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January 13, 2016

**VIA ECF**

The Honorable Sandra J. Feuerstein, United States District Judge  
United States District Court, Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722-9014

**Re: U.S. Bank National Ass'n v. Sun Life Assurance Company of Canada,  
Case No. 14-CV04703-SJF-GRB**

Dear Judge Feuerstein:

I write on behalf of the parties, Defendant Sun Life Assurance Company of Canada ("Sun Life") and Plaintiff U.S. Bank National Association, as Securities Intermediary ("U.S. Bank") to jointly and respectfully request an adjournment of the close of discovery date listed in Judge Feuerstein's May 26, 2015 order. [Dkt. No. 31.]

In the May 26, 2015 order, the Court set a deadline of November 23, 2015, for all discovery to be completed, a deadline of January 26, 2016, for dispositive motions, and a pretrial conference for March 24, 2016. One previous adjournment of the fact discovery deadline to January 15, 2015, with no modification or adjournment of any other case deadlines had been requested and granted by the Court. [Dkt. Nos. 37 and 38.]

While the parties have continued to be diligently engaged in discovery, there are three discrete discovery tasks that need to be completed beyond the current discovery deadline of January 15, 2016.

- Sun Life had subpoenaed the deposition of Bruce Mactas, the insurance producer in this case, for January 14, 2016. Mr. Mactas, through his counsel, has requested that the deposition be rescheduled to January 22, 2016.
- Sun Life had subpoenaed the deposition of Phil Loy, founder and president of AVS, a life expectancy company, for January 12, 2016. Mr. Loy, through his counsel, has requested that the deposition be rescheduled to January 19, 2016.
- U.S. Bank served a third and fourth set of requests for production of documents on Sun Life on January 7, 2016. Sun Life's deadline for responding to these requests is February 9, 2016.

The parties therefore propose that the fact discovery deadline be extended to February 9, 2016 for the limited purpose of completing the three discovery tasks outlined above, while not disturbing any of the other dates contained in the May 26, 2015 order.

The Honorable Sandra J. Feuerstein  
January 13, 2016  
Page 2

This brief extension will allow these final discovery tasks to be accomplished in a more efficient manner and will allow the parties to accommodate the schedules of the third parties witnesses and their counsel.

Additionally, since the entry of the Court's May 26, 2015 order, both parties now contemplate using expert witnesses. The parties have agreed to the schedule outlined in their letter to the Court dated December 29, 2015. [Dkt. No. 40.] Specifically, the parties agree that (i) principal reports would be exchanged on or before January 29, 2016, (ii) rebuttal reports would be exchanged on or before February 12, 2016, and (iii) expert depositions would be completed by February 26, 2016. This schedule will allow the parties to exchange expert reports based on the fullest possible factual record and will not affect any other deadlines in the case. The Court has not previous set deadlines for expert discovery, but the parties respectfully request that the Court amend its May 26, 2015 order to include these deadlines.

Respectfully submitted,



John Bloor  
*Counsel for Defendant, Sun Life  
Assurance Company of Canada*

JMB  
cc: Counsel for Plaintiff (via ECF)